

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ESPERION THERAPEUTICS, INC.,

Plaintiff,

- against -

DAIICHI SANKYO EUROPE GMBH,

Defendant.
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**NOTICE OF INITIAL
COURT CONFERENCE**

23-cv-2568 (ER)

This matter has been scheduled for an **initial case management and scheduling conference, pursuant to Fed. R. Civ. P. 16, on July 12, 2023 at 11:00 a.m.** The conference will be held by telephone. The parties are instructed to call the Court at (877) 411-9748 and use access code 3029857#.

PLAINTIFF, OR COUNSEL FOR PLAINTIFF(S) SHALL NOTIFY ALL PARTIES IN WRITING AND PROVIDE ALL PARTIES WITH A COPY OF THIS NOTICE AND THE ATTACHED CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER, UNLESS THE CASE HAS BEEN REMOVED FROM STATE COURT, IN WHICH EVENT COUNSEL FOR THE REMOVING DEFENDANT(S) SHALL PROVIDE SUCH NOTICE TO ALL PARTIES.

At the conference, counsel will be expected to provide a brief oral status report outlining the nature of the dispute(s) requiring adjudication and setting forth the factual and legal bases for the claims and defenses. Subject matter jurisdiction will be considered, as well as all matters related to case management.

In cases where Fed. R. Civ. P. 26(f) applies, counsel shall confer prior to the conference date and attempt in good faith to agree upon a proposed discovery plan that will ensure trial readiness within six (6) months of the conference date. **Please complete the attached Civil Case Discovery Plan and Scheduling Order and file it on ECF prior to the conference.** After hearing from counsel, the Court will consider whether to grant a longer period only for good cause shown.

Dated: New York, New York
June 26, 2023

s/ Jazmin Rivera
Jazmin Rivera, Deputy Clerk to
Hon. Edgardo Ramos, U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

Plaintiff,

**CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER**

- against -

Defendant.

_____ CV _____ (ER)

-----X

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties [consent] [do not consent] to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case [is] [is not] to be tried to a jury.
3. Joinder of additional parties must be accomplished by _____.
4. Amended pleadings may be filed until _____.
5. Interrogatories shall be served no later than _____, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 [shall] [shall not] apply to this case.
6. First request for production of documents, if any, shall be served no later than _____.
7. Non-expert depositions shall be completed by _____.
 - a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.

8. Any further interrogatories, including expert interrogatories, shall be served no later than _____.
9. Requests to Admit, if any, shall be served no later than _____.
10. Expert reports shall be served no later than _____.
11. Rebuttal expert reports shall be served no later than _____.
12. Expert depositions shall be completed by _____.
13. Additional provisions agreed upon by counsel are attached hereto and made a part hereof.
14. **ALL DISCOVERY SHALL BE COMPLETED BY** _____.
15. Any motions shall be filed in accordance with the Court's Individual Practices.
16. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
17. The Magistrate Judge assigned to this case is the Hon. _____.
18. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
19. The next case management conference is scheduled for _____, at _____. (The Court will set this date at the initial conference.)

SO ORDERED.

Dated: New York, New York

Edgardo Ramos, U.S. District Judge